

State of Arizona
House of Representatives
Forty-sixth Legislature
Second Regular Session
2004

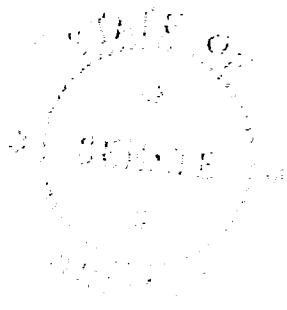
CHAPTER 267

HOUSE BILL 2310

AN ACT

AMENDING TITLE 11, CHAPTER 7, ARTICLE 6.1, ARIZONA REVISED STATUTES, BY
ADDING SECTION 11-1029; RELATING TO HANDLING OF ANIMALS.

(TEXT OF BILL BEGINS ON NEXT PAGE)



1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Title 11, chapter 7, article 6.1, Arizona Revised Statutes,
3 is amended by adding section 11-1029, to read:

4 11-1029. Hearing on disposition of abused and vicious animals;
5 forfeiture; exception

6 A. A PEACE OFFICER, COUNTY ENFORCEMENT AGENT OR PEACE OFFICER WHO HAS
7 RESPONSIBILITY FOR ANIMAL CONTROL IN A MUNICIPALITY WHO HAS IMPOUNDED AN
8 ANIMAL PURSUANT TO SECTION 11-1014 OR 13-2910, ON A SHOWING OF PROBABLE CAUSE
9 THAT THE ANIMAL HAS BEEN CRUELLY MISTREATED OR CRUELLY NEGLECTED OR THAT THE
10 ANIMAL IS VICIOUS OR MAY BE A DANGER TO THE SAFETY OF ANY PERSON OR OTHER
11 ANIMAL, MAY REQUEST A DISPOSITION HEARING BEFORE A JUSTICE OF THE PEACE OR
12 CITY MAGISTRATE TO DETERMINE WHETHER THE ANIMAL HAS SUFFERED CRUEL
13 MISTREATMENT OR CRUEL NEGLECT AS DEFINED IN SECTION 13-2910 OR IS
14 VICIOUS. THE HEARING SHALL BE SET WITHIN FIFTEEN BUSINESS DAYS AFTER THE
15 REQUEST HAS BEEN FILED.

16 B. THE OFFICER OR AGENT WHO HAS REQUESTED A HEARING UNDER SUBSECTION
17 A OF THIS SECTION SHALL SERVE THE ORDER ON THE OWNER OF THE ANIMAL EITHER BY
18 PERSONAL SERVICE ON THE OWNER OR BY LEAVING A COPY OF THE ORDER WITH A PERSON
19 OF SUITABLE DISCRETION AT THE OWNER'S RESIDENCE OR PLACE OF BUSINESS. PROOF
20 OF SERVICE SHALL BE FILED WITH THE COURT. IF THE OWNER FAILS TO APPEAR AT
21 THE HEARING OR IF THE JUSTICE OF THE PEACE OR CITY MAGISTRATE DETERMINES THAT
22 THE ANIMAL IS BEING CRUELLY MISTREATED OR CRUELLY NEGLECTED OR DETERMINES THE
23 ANIMAL IS VICIOUS, THE JUSTICE OF THE PEACE OR CITY MAGISTRATE MAY ORDER THE
24 ANIMAL FORFEITED TO THE OFFICER OR AGENT TO BE MADE AVAILABLE FOR ADOPTION
25 OR FOR TRANSFER TO A LEGALLY INCORPORATED HUMANE SOCIETY OR APPROVED RESCUE
26 AGENCY OR HUMANELY DESTROYED. THE OWNER SHALL PAY IMPOUND FEES AND ANY OTHER
27 COSTS FOR BOARDING OR NECESSARY VETERINARY CARE.

28 C. THIS SECTION DOES NOT APPLY TO THE SEIZURE OF AN EQUINE PURSUANT
29 TO SECTION 3-1721 OR TO A CITY, TOWN OR COUNTY THAT ADOPTS OR HAS ADOPTED AN
30 ORDINANCE OR RESOLUTION PROVIDING FOR THE FORFEITURE OF AN ANIMAL THAT HAS
31 SUFFERED CRUEL MISTREATMENT OR CRUEL NEGLECT.

APPROVED BY THE GOVERNOR MAY 26, 2004.

FILED IN THE OFFICE OF THE SECRETARY OF STATE MAY 27, 2004.

Passed the House March 11, 2004

by the following vote: 52 Ayes,

5 Nays, 3 Not Voting

Jake Flake
Speaker of the House

Thomas L. Moore
Chief Clerk of the House

Passed the Senate May 13, 2004

by the following vote: 25 Ayes,

1 Nays, 4 Not Voting

Klu Blumett
President of the Senate

Charmine Biddington
Secretary of the Senate

**EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR**

This Bill was received by the Governor this

_____ day of _____, 20____

at _____ o'clock _____ M.

Secretary to the Governor

Approved this _____ day of

_____, 20____

at _____ o'clock _____ M.

Governor of Arizona

H.B. 2310

**EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE**

This Bill was received by the Secretary of State

this _____ day of _____, 20____

at _____ o'clock _____ M.

Secretary of State

HOUSE CONCURS IN SENATE
AMENDMENTS AND FINAL PASSAGE

May 19, 2004,

by the following vote: 37 Ayes,

22 Nays, 1 Not Voting

Mike Flake
Speaker of the House
Norman L. Syoore
Chief Clerk of the House

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill was received by the Governor this

20th day of May, 2004,

at 10:42 o'clock A. M.

Winnifer Uparra
Secretary to the Governor

Approved this 26 day of

May, 2004,

at 4:40 o'clock P. M.

J. R. Mc
Governor of Arizona

H.B. 2310

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State

this 27 day of May, 2004,

at 8:29 o'clock A. M.

Janice L. Brewer
Secretary of State